

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

BEASLEY FORREST PRODUCTS, INC.,

Plaintiff,

v.

NORTHERN CLEARING, INC.,

Defendant.

CV 2:20-051

ORDER

Plaintiff Beasley Forrest Products, Inc. ("Beasley") initiated this action in Jeff Davis County Superior Court. See Dkt. No. 1-1. Defendant Northern Clearing, Inc. ("Northern Clearing") removed the action to federal court and timely moved to dismiss the Complaint. Dkt. Nos. 1, 4. Beasley then filed an Amended Complaint, opposed the motion to dismiss, and moved to remand the case. Dkt. Nos. 8-10.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within 21 days after service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1)(B). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his

adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

DISCUSSION

I. Northern Clearing's Motion to Dismiss

Beasley timely filed its first Amended Complaint as a matter of course pursuant to Rule 15(a)(1)(B). Further, Beasley's Amended Complaint supersedes its original Complaint. Northern Clearing's motion to dismiss the original Complaint, dkt. no. 4, has thus been rendered moot by Beasley's filing of its Amended Complaint. Should Northern Clearing wish to renew its motion to dismiss with regard to the Amended Complaint, it is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.


II. Beasley's Motion to Remand

The Court will defer ruling on Beasley's Motion to Remand until the motion has been fully briefed.

CONCLUSION

For the reasons stated above, Northern Clearing's Motion to Dismiss the original Complaint, dkt. no. 4, is **DENIED as moot**.

SO ORDERED, this 2nd day of June, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA